



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6455-99

13 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 11 October 1989 after four years of prior honorable service. Your record reflects that on 26 June 1990 you received nonjudicial punishment (NJP) for two specifications of wrongful use of marijuana and were awarded reduction in rate, a \$962 forfeiture of pay, and restriction and extra duty for 45 days. On 13 July 1990, following a psychiatric examination, you were diagnosed as drug dependent with passive aggressive and dependent personality traits. The examining psychiatrist recommended you receive drug rehabilitation treatment and be administratively separated. Shortly thereafter, you received NJP for two specifications of disrespect and two specifications of failure to obey a lawful order. The punishment imposed was restriction and extra duty for 10 days and reduction to paygrade E-2.

On 24 August 1990 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and drug abuse as evidenced by your NJP. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board (ADB). On 30

August 1990 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to commission of a serious offense, drug abuse, and convenience of the government. Subsequently, the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 12 October 1990 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded so that you may obtain gainful employment and further your education. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your drug related misconduct. Given all the circumstances of your case, the Board concluded the your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director